REMARKS

Applicants respectfully request favorable reconsideration of this application, as amended.

Initially, Applicants respectfully observe that the Response to Arguments section of the outstanding Office Action is addressed to the arguments filed February 21, 2006. No specific response to the arguments filed October 30, 2006 has been given. In view of the fact that the presently outstanding rejection relies upon a newly asserted primary reference (EP 1 203 897), it is presumed that the arguments of October 30, 2006 were deemed persuasive.

Claims 1-6 stand newly rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1 203 897 in view of Kitahara, Suzuki, and Kakegawa. Applicants respectfully request reconsideration of the rejection in view of the amendments and remarks presented herein.

It bears repeating that the invention of Applicants' Claim 1 constitutes a uniquely conceived wet type fiction material which includes:

1) a specific combination of particulates

   - (namely silica having an average particle diameter of 1 to 10μm and disc-shaped diatom earth);

used, in combination, with

2) a specific combination of resins

- **(namely resol type phenol resin and silicone resin)**

- with non-volatile components in a specific ratio of 95/5 to 85/5.

Further, without acceding to the outstanding rejection, and in an effort to advance the prosecution, Claim 1 has now been amended to incorporate the features of Claims 3 and 5, both cancelled (the silicone resin is now also more specifically defined as having siloxane bonding). In particular, Claim 1 now additionally recites (i) that the disc-shaped diatom earth has an average diameter of 10 to 30 μm and (ii) that a content of the disc-shaped diatom earth is 25 to 45 weight% of the entire paper base material. These additional features are important to the achievement of effective heat resistance (anti-heat spot capability) and a positive μ-V gradient.

Among the characteristics required for the friction material, there are high friction coefficient, positive μ-V gradient, high heat-resistance, anti-wear properties, dimensional stability, and stable friction coefficient. To satisfy all of these characteristics simultaneously, Applicants have defined in amended Claim 1, the numerical ranges of the average particle diameter of silica (1 to 10μm), an average diameter of the disc-shaped diatom earth

(10 to 30 μm), a weight ratio between non-volatile components of the resol-type phenol resin and silicone resin (95/5 to 85/5), and a weight proportion of the diatom earth in the paper base material (25 to 45 weight%).

The deficiencies of Kitahara, Suzuki, and Kakegawa with respect to Applicants' invention were amply demonstrated in the remarks filed on October 30, 2006. The presently added features of Claim 1 regarding the average diameter and weight proportion of the diatom earth evidently distinguish Claim 1 even further from the teachings of those references.

EP '897 teaches the use of silica filler in a base material. However, EP '897 fails to teach or suggest other aspects of Applicants' invention, including, for example, the claimed ranges for the average diameter of the disc-shaped diatom earth (10 to 30 μm), and the weight proportion of thereof (25 to 45 weight%) in the base material. Nor do Kitahara, Suzuki, and Kakegawa supply the deficiencies of EP '897.

Accordingly, Applicants respectfully request that the outstanding rejection be withdrawn and that this application be passed to issue.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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